

PURPOSE

To support the return of a juvenile who is a runaway, escapee, absconder from probation, or is an accused delinquent and/or accused status offender.

POLICY

This compact is implemented in Michigan state law and directs compliance with the Interstate Commission on Juveniles (ICJ) by-laws and rules found at www.juvenilecompact.org. This policy and ICJ rules apply to all Michigan Department of Health and Human Services (MDHHS) wards, Michigan court wards, and non-wards, including juvenile children of private persons.

The MDHHS interstate compact office works with other state compact offices, as well as MDHHS county offices, courts, law enforcement, and private citizens, to administer the compact in Michigan.

Under ICJ rules, the juvenile's home state is the controlling authority for determining if the juvenile is subject to the ICJ. The laws of the holding state govern the type of facility where a juvenile may be held.

Training with the Michigan compact office may be arranged for ICJ related matters, MDHHS-MI-ICJ@michigan.gov.

DEFINITIONS

Definitions are found in the [100 series](#) ICJ rules.

UNIFORM NATIONWIDE INTERSTATE TRACKING FOR YOUTH (UNITY)

UNITY is the Interstate Commission for Juveniles data system for tracking interstate juvenile movement. All ICJ case processing must be conducted using UNITY. UNITY training may be arranged with the Michigan compact office, MDHHS-MI-ICJ@michigan.gov.

**MICHIGAN
JUVENILE IN
ANOTHER STATE**

In the case of an escapee, absconder, or juvenile who has failed to appear in court, the caseworker or probation officer must take the following actions:

- Seek a apprehension order from the local Michigan court to apprehend and detain the juvenile (if the apprehension order does not already exist).
- Ensure the apprehension order is addressed to all/any law enforcement officers and coded for nationwide pickup. Law enforcement officers in other states may refuse to act on apprehension orders that are limited to Michigan or a Michigan county.
- Ensure the apprehension order is filed in the Law Enforcement Information Network (LEIN) and coded for nation-wide pickup in the National Crime Information Center (NCIC) database. Restrictions on dissemination of LEIN information remain in force.
- Send the apprehension order to the Michigan compact office with the nine digit NIC Number from NCIC. The NIC number is frequently requested by holding state detention centers, jails, and courts.

In the case of a runaway, including MCI or foster care wards who have left placement, the caseworker must:

- File a missing persons reports with the local police department.
- Provide a copy of the report and the nine digit NIC number to the Michigan compact office. Under Suzanne's Law, law enforcement, when provided with a missing persons report, must enter the report in LEIN and NCIC within two hours of receiving the report. This law applies to persons up to 21 years of age.

If a caseworker becomes aware or another state reports a juvenile from Michigan is in their state, the person receiving the report must contact the Michigan compact office and promptly provide as much of the information below as possible:

- Name of juvenile.

- Date of birth.
- Gender.
- Race.
- Height, weight.
- Hair color, eye color.
- Status (runaway, escapee, absconder).
- Current or planned placement, address, phone number, person making report.
- Previous placement (type, name, address).
- Remarks regarding physical status.
- Plans for or results of an ICJ hearing (if known).

Additional procedures and information regarding returns and return support can be found in the 600 and 700 series ICJ rules at www.juvenilecompact.org.

Michigan Juvenile Living Out of State at Known Address

Staff having a reasonable confidence that a juvenile is living in another state without permission must initiate an ICJ requisition process in accordance with the [600 series](#) ICJ rules.

Secure Holding and Hearing

Juvenile authorities may release a non-delinquent runaway to his/her legal guardian or custodial agency within the first 24 hours (excluding weekends and holidays) of detainment without applying the compact, except in cases where the holding state authority suspects abuse or neglect in the residence of the legal guardian or custodial agency. Otherwise, the Michigan compact office must communicate with the holding state compact office to ensure the juvenile is appropriately held and an ICJ hearing is scheduled. The compact and law of the holding state governs the nature of the holding facility.

As per ICJ rule, expenses related to custody and support of the juvenile while in the holding state are the responsibility of the holding state.

If the juvenile faces criminal charges in the holding state, those charges must be resolved prior to the juvenile being able to return to Michigan. The holding state court may appoint a Guardian Ad Litem for the ICJ hearing at its discretion. Unless juvenile competence is of issue, a juvenile of any age may sign an ICJ Consent for Voluntary Return of out of state Juvenile (Form III); with or without the presence of a Guardian Ad Litem.

If the juvenile refuses to sign the ICJ Form III, the holding state compact office must notify the Michigan compact office. The Michigan compact office must confer with the county seeking the juvenile's return and determine if an ICJ requisition will be initiated.

Return Travel to Michigan

If all holding state charges have been resolved and the juvenile has had an ICJ hearing, one of the following ICJ forms may be produced as a result of the hearing:

- [ICJ Form I](#), Requisition for Runaway Juvenile, signed by the court indicating the court has ordered the youth to return to Michigan.
- [ICJ Form II](#), Requisition for Escapee or Absconder/Accused Delinquent, signed by the court indicating the court has ordered the youth to return to Michigan.
- [ICJ Form III](#) signed by the juvenile indicating that the juvenile has agreed to voluntarily return to Michigan.
- Adult waiver of extradition signed by the juvenile indicating that the juvenile has agreed to voluntarily return to Michigan. Under ICJ rule, an adult waiver of extradition must be accepted by Michigan.

The Michigan compact office will coordinate with the caseworker to arrange return travel to Michigan. Travel arrangements must conform to the following and be approved by both the home/demanding and holding state:

- The holding state is responsible for transport from the holding facility to the departure airport.

- Use of ground transport or commercial airlines.
- Travel must be on a weekday within five business days of receipt of the relevant ICJ form unless both state compact offices grant an extension.
- Travel may start prior to normal day shift hours and arrival times may extend into evening hours.
- Travel may involve multiple stops and aircraft changes. Juveniles must be under staff surveillance while in ground layover unless the Michigan compact office waives the requirement. Staff surveillance must be arranged by the Michigan compact office for layovers and plane changes unless special arrangements are made with the airline.
- The youth must have an ID card with name and photograph to travel. In the event that there is no ID card, the caseworker must contact the Michigan compact office.
- Luggage is not funded for return travel. If the youth has belongings, those items must be mailed to the appropriate address.
- If the juvenile is less than 15 years of age or requires special assistance, staff seeking the juvenile's return must notify the compact office in advance so special airline procedures can be arranged and pre-funded. Transport staff, surveillance staff, and meeting staff must provide their name, address, date of birth from their photo ID, and their cell phone to the compact office to enable ticket booking when special procedures are applicable.
- In the event that staff desires to escort a juvenile on a return flight, the county office must coordinate in advance with the Michigan compact office.
- Unless required by ICJ rule (requisition with Form I or II ordering youth to return), or the subject of a written and signed court order, juveniles signing an ICJ Form III may fly without staff escort. Returning juveniles travel in personal clothes.
- Returning juveniles are subject to all *Transportation Security Administration* screening requirements. Juveniles flying on commercial airlines must not be restrained.

Upon return, the caseworker must contact the compact office to confirm return of the juvenile to Michigan.

Upon return, matters relating to appropriate juvenile placement, investigation of circumstances requiring juvenile return, and any remedial actions remain the responsibility of the caseworker.

Placement under Interstate Compact

If the juvenile has been placed in another state under the *Interstate Compact on the Placement of Children (ICPC)*, the placement disruption provisions in Article V of the ICPC must be consulted first as a means of returning the juvenile back to the home state.

If a juvenile has run away to a relative's home that is later considered as possibly suitable for an ICPC referral, the juvenile must first be returned to Michigan. The juvenile's caseworker may then begin work on an ICPC referral if deemed appropriate.

JUVENILE FOUND IN MICHIGAN

Immediate Action

Staff must attend to the juvenile's needs including food, shelter, and medical attention as necessary. Staff must be aware that the juvenile may have been subjected to abuse, neglect, victimization, and significant periods without basic life needs.

Staff must be aware that the juvenile may be a victim of human trafficking and the trafficker may be in the vicinity and seek to regain control/custody of the juvenile.

In the event that a juvenile is found in Michigan, the ICJ rules provide for release to a parent/guardian within 24 hours. If this situation occurs, the caseworker must notify the compact office.

Any juvenile, including a non-delinquent runaway, causing harm to themselves or held more than 24 hours must be securely held. The nature of the holding facility must be determined by the juvenile's age and Michigan law.

Staff must notify their supervisor and the Michigan compact office providing the following information as soon as possible:

- Youth name.

- Date of birth.
- Race.
- Gender.
- Height.
- Weight.
- Marks, scars, tattoos.
- Hair color.
- Eye color.
- Legal status (runaway, escapee, absconder, failed to appear).
- Parent/guardian name.
- Parent/guardian phone.
- Parent/guardian address.
- Last placement name and address (if not parent/guardian).
- JPEG photograph (front and side).
- Copy of ID or driver's license.

The Michigan compact office must contact the home state compact office to confirm legal and return status.

Should the juvenile face criminal charges in Michigan, those charges must be resolved prior to the juvenile being allowed to return to the home state.

A youth of any age may sign the ICJ Form III without or without the presence of a Guardian Ad Litem. Juveniles may not sign the Form III without a court hearing.

If the juvenile refuses to sign the ICJ Form III, the juvenile must be returned to appropriate holding. Staff must notify the Michigan compact office.

The Michigan compact office must then contact the home state compact office to determine if they will initiate an ICJ requisition.

Any juvenile who initially refuses to sign an ICJ Form III may decide to sign the form at a later date.

When the juvenile signs the Form III, staff must provide the form to the Michigan compact office who must provide the form to the home state compact office.

Communication between States

State compact offices are responsible for communications between states in accordance with the [200 series](#) ICJ rules. In the event that

communications between local offices are desired, the caseworker must contact the Michigan compact office with a request explaining the nature of the communication desired and the requestor's contact information. Once permission is granted by both compact offices and communication is complete, the caseworker or probation officer must summarize the results of the communication in a memorandum scanned into *UNITY*.

Allegations of Abuse/Neglect

If a juvenile alleges abuse/neglect as the reason for running away, the caseworker must notify the Michigan compact office. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the ICJ rules.

Return Travel

Return travel to the youth's home state must be coordinated in advance by the local Michigan county and the Michigan compact office. Travel arrangements must be arranged by the compact office through the MDHHS travel agent. The Michigan compact office will fund all air for youth and up to two escort staff. If secure ground transport is required, previous accommodations must be made with the Michigan Compact office. All other expenses including but not limited to rental cars, hotel, meals, etc. are to be funded by the county office.

The MDHHS caseworker is responsible for transport from the holding facility to the departure airport. Transporters are assumed to follow their own security protocol for transport.

The home state must arrange and fund return travel from Michigan to the home state including surveillance in layover airports as required. Commercial airlines must be used unless other arrangements are approved by both state compact offices.

Returning juveniles must travel in personal clothing and must not be restrained on a commercial aircraft.

The home state is responsible for coordinating the return of the juvenile's personal belongings with the holding state compact office and the holding facility. This may be accomplished prior to or after departure.

Payments

A Michigan placement including a foster home, detention facility or Child Caring Institution (CCI) holding a youth pending a return to their original state via the Interstate Compact for Juveniles (ICJ) will be reimbursed by the Michigan Department of Health and Human Services (MDHHS) for 100 percent of the costs of the youth's per diem/daily rate.

For youth placed by MDHHS, the worker and placement will follow the normal payment process through MiSACWIS. An override on these payments may be needed to ensure the limited term fund source is used and does not cause a chargeback to the county. A fund source override can be requested by emailing the Federal Compliance Division (FCD) at MDHHS-federalcompliance@michigan.gov.

For youth not placed by MDHHS, the facility must submit the [MDHHS-5944, Interstate Commission for Juveniles \(ICJ\) Return Placement Invoice](#). That invoice contains instructions for processing which will ultimately be processed by the MI ICJ office. The MI ICJ office will review the invoice, ensure that the youth was returned via the ICJ and submit the form for payment processing.

LEGAL BASIS

Interstate Compact Act for Juveniles Act, 2003 PA 56, as amended, MCL 3.691 et seq.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a(a)(l)

CONTACT

For additional information concerning this policy, contact the Michigan compact office MDHHS-MI-ICJ@michigan.gov.